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Renata Hesse, Trial Attorney
Suite 1200, Antitrust Division
Department of Justice, 601 D Street NW
Washington, DC 20530
(facsimile) 202-616-9937 or 202-307-1545

Dear Renata Hesse:

I'm writing you to submit my comments with regard to the Microsoft penalty currently under consideration. Let me provide you some brief background to establish my credentials for commenting. I have been developing software for 23 years now, my experience with Microsoft goes back to the very early days. I had an experience as a beta tester of Windows 3.1 using DR DOS instead of MS DOS, this worked fine during the beta, but in the final release wouldn't work at all, turned out that Microsoft had put code in specifically to disable it working with DR DOS. Microsoft recently paid out a settlement of about \$150 Million to Caldera to satisfy this claim. I'm sure you've heard the old stories that use to go around Microsoft that "DOS isn't done till Lotus won't run". I can assure you that this was indeed the case.

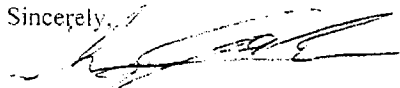
For the last several years I've been running a software company whose primary business is on the Linux operating system. We also support MS Windows and Mac OS, but the MS environment is so inherently unstable and full of security holes, we prefer to not use that environment if at all possible.

Now the recently proposed penalty is in fact nothing of the sort, there is no penalty here that causes any fundamental change. As a Linux software enthusiast I am forced to build computer systems because it is almost impossible to buy a PC that doesn't have Windows on it, and I don't want to pay for Windows as I'm not going to use it. The only equitable way to deal with this is have hardware manufactures offer hardware at a reduced price without Windows. This price should be the same price that I can buy Windows from them for. So if they are going to discount only \$10 to remove Windows, then I should be able to go back and buy Windows from them for \$10.

Microsoft needs to open up their file formats and API to Windows so that everyone has a fair chance to compete. As someone that has to develop import filters for Microsoft file formats, I can tell you that the constantly changing versions and forced march to purchase upgrades is simply an expensive and manipulative nightmare.

To sum up, I don't believe that Microsoft should be broken up, but they have an unhealthy stranglehold on the computing industry that is causing enormous problems now (look at all the worms and viruses over the last few years) and it will only get worse and more dangerous if this is allowed to continue.

Sincerely,



Shawn Gordon
President

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